



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544
All departments 508-240-5900 • Fax 508-240-1291
www.eastham-ma.gov

EASTHAM PLANNING BOARD MEETING MINUTES

Earle Mountain Room
July 21, 2021, 5:00 pm

Members present: Dan Coppelman, Peter Weston, Davis Hobbs, Craig Nightingale, Jim Kivlehan, Brian Early
Via videoconference: Joseph Manas, Stephen Wasby, William Craig
Members absent:
Staff present: Paul Lagg, Town Planner

Dan Coppelman opened the meeting at 5:00 pm, and stated the meeting was being recorded.

Reorganization of the Board. The Board members nominated the following:

Dan Coppelman – Chair
Davis Hobbs - Vice Chair
Jim Kivlehan – Clerk

A **MOTION** by Peter Weston to accept the Vote as stated, **seconded** by Craig Nightingale.

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Manas

Opposed: None

The VOTE: 6-0

Motion passed – Unanimous

Review of 2021 Housing Production Plan (Karen Sunnarborg, Consultant and Paul Lagg, Staff).

Karen Sunnarborg presented a PowerPoint to the board and illustrated the process of approval, goals, definition of affordable housing, demographic and economic trends, housing growth and occupancy trends, housing cost trends, priority-housing needs, housing strategies and the next steps. The presentation can be found in the video recording of this meeting at eastham-ma.gov

1. Jim Kivlehan started a discussion on his concerns for the presentations, Paul Lagg explained that there are multiple projects already underway and Town has identify the need for an Affordable Housing Coordinator to streamline these projects.
2. Eastham Housing Trust addressed the Planning Board to highlight the importance of hiring an Affordable Housing Coordinator and the projects presented.

Case No. PB2021-12 – 0 K Street, Map 23, Parcel 42. Frank and Linda Noto (Owners) seek Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4.4 (Residential Lot Intensity) and Section 10.1 (Site Plan Approval – Residential) to construct a new single family dwelling in District F greater than 200 sf. Vote may be taken.

Paul Lagg, Town Planner explained a letter was submitted by Owners to request a continuance.

A **MOTION** by Stephen Wasby to allow continuance to next scheduled meeting of August 18, 2021, **seconded** by Craig Nightingale

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Manas

Opposed: None

The VOTE: 6-0

Motion passed – Unanimous

Case No. PB2021-10 – 845 Doane Road Rear, Map 24, Parcel 15. Conrad Nobili (Owner) seeks Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4.4 (Residential Lot Intensity) and Section 10.1 (Site Plan Approval – Residential) to construct an accessory structure in District F greater than 200 sf. Vote may be taken.

Owner, Conrad Nobili and Attorney, Ben Zehnder were present. Zehnder explained the project. The following topics were discussed of the new structure, septic systems, water supply connections, retaining walls, habitable space, and proposed structure. The relocation of the cottage was also discussed, Nobili explained that the cottage in question was from the Holland Cottage Company and he would like to protect this piece of history,

Mr. Coppelman read the proposed **findings of fact**:

1. The property is located at 845 Doane Road Rear, Map 24, Parcel 15 and located in District F (National Seashore)
2. The applicant has applied for Site Plan Approval – Residential pursuant to Eastham Zoning B- Law section 7.4.4 and 10.1 to construct an accessory structure in District F greater than 200 ft.
3. The site is comprised of two lots (B8 and B9). Totally 3.86 acres. The lots have been held in common ownership since 1940.
4. The proposed site coverage is 2,390 sf and falls below the 3,000 sf. Site coverage threshold for Planning Board review on lots 20,000 sf or greater.
5. Based on calculations provided by the applicant. The proposed project complies with residential expansion limits for the Seashore District under Zoning Bylaw section 2.4.7
6. The Board voted to grant partial waivers for the following items: Dimensions/elevations of existing structures, information on loading area, parking spaces, landscape plan, lighting plan, elevation plans for proposed guest house.
7. The proposed project does not negatively impact existing native vegetation and soil or grade changes. No changes to the existing grade are proposed. The site contains ample screening along the north and south property lines. Additional plantings are proposed per the Conservation Commission's approved Order of Conditions.
8. The prevailing characteristics of the neighborhood are preserved by the plan as presented. The visual impact from the street will be minimal. The elevated building will create better sight views from the street through to Town Cove. The street-facing side of the structure features traditional shingling with minimal windows, which will not adversely impact the visual character of the neighborhood.

9. The proposed project does avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.
10. The proposed project does have existing unique or significant environmental resources. The entire site is located within the FEMA flood zone and portions of the site are located within the wetland resource area and within the 100-foot buffer to the resource area. Any negative impacts to the adjacent resource areas will be mitigated the Order of Conditions approved by the Eastham Conservation Commission on 12/14/20.
11. The proposed site plan does maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways. Ellis Road is a low volume road utilized primarily by neighborhood residents. No relevant issues have been identified.
12. No abutters appeared either or in opposition of the proposal. No letters were received regarding the proposal.

A **MOTION** by Craig Nightingale to approve the findings of fact as states, **seconded** by Peter Weston

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Manas

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

A **MOTION** by Peter Weston to **GRANT** Site Plan Approval - Residential for Case No. PB2021-10 with the following **conditions**:

1. No building permit shall be issued until the application complies with all pertinent sections of the Town of Eastham Zoning By-law.
2. The applicant shall obtain a building permit from the Eastham Building Department prior to the start of the construction.
3. The applicant agrees that the title of Lots B8 and B9 will remain in common ownership.
4. The applicant shall request a letter of determination from MA Division of Fisheries & Wildlife, under the MA Natural Heritage & Endangered Species Program and that letter shall be submitted to the Building Commissioner prior to issuance of building permit.
5. The applicant shall submit plans and/or documentation to the Building Commissioner demonstrating that the project complies with all pertinent requirements of the MA Natural Heritage & Endangered Species Program and with any requested actions required by the MA Division of Fisheries & Wildlife under pertinent State regulations prior to issuance of the Building Permit.
6. All exterior lights shall be down shielded to reduce light spill and nuisances to adjacent properties.
7. The applicant shall verify bedroom count and septic design for adequacy with the approved plan with the Eastham Health Department and if necessary obtain Board of Health approval prior to issuance of a building permit.
8. The applicant is responsible for providing building plans to the Eastham Building and Fire Departments. Plans shall contain information on construction methods and materials sufficient to conduct a full code compliance review.
9. Plan reviews conducted by town staff as part of this site plan approval have been conducted for conformance with applicable sections of the zoning bylaw and for

adequacy of the site for public safety access and environmental impacts. Additional plan review for health and safety code compliance will be required and may result in changes to the approved plans. Any changes to the proposed site plan dated 6/1/21 except those that are de minimis, must be reviewed by the Planning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.

10. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.
11. The applicant will present to the Building Department, a foundation plan.
12. The applicant will provide a plan indicating water supply for existing dwelling and proposed guesthouse.
13. A copy of this decisions will be recorded with County Land records

Seconded by Craig Nightingale

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Nightingale, Manas

Opposed: None

The VOTE: 7-0

Motion passed - Unanimous

Case No. PB2021-7 – (continued from 5/19/21) 4730 State Highway, Map 5, Parcel 128C. Goeroe's Goldens LLC (Owner/Applicant) and Stow Away LLC (Applicant) seek a Special Permit pursuant Eastham Zoning By-law Section 3.8.5.3.3 and 3.9.9 (Uses) for an expansion of a pre-existing non-conforming structure or use greater than 1,000 sf of building footprint or of exterior building area or site area in the Eastham Corridor Special District. Vote may be taken.

Owner of Goeroe's Goldens LLC (Owner/Applicant) and Stow Away LLC (Applicant) Barbra Nigel and Attorney, Ben Zehnder were present. Zehnder explained the scope of the project. Coppelman commented that work sessions will be required for this proposed projects. Steve Wasby commented that more information is needed prior to scheduling sessions. Paul Lagg, Town Planner explained we do have all required documentation on check list and questioned the jurisdiction on this project (Town or Cape Cod Commission). Council from the Commission is available in order to address issues with this project.

There was discussion on the impact of this project on the Town of Eastham.

A **MOTION** by Stephen Wasby to allow continuance to next scheduled meeting of August 18, 2021, **seconded** by Craig Nightingale

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Manas

Opposed: None

The VOTE: 6-0

Motion passed – Unanimous

Case No. PB2021-11 – 10 Cliff Road, Map 18, Parcel 47. Bruce Sanders (Owner) seeks Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4.2 (Residential Lot Intensity) and Section 10.1 (Site Plan Approval – Residential) to demolish an existing single

family dwelling and construct a new single family dwelling on the existing foundation on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf. Vote may be taken.

Owner, Bruce Sanders and representative from LDA architecture were present via videoconference. LDA architecture representative summarized the site plans. Questions were raised regarding a large tree on the property, and is representative explained that it is coming down with conservation approval. There was also discussion on the landscape plan, grade, driveway and additional Carriage House. It was advised to apply for an additional permit for the Carriage House, driveway and plantings.

Findings of Fact:

1. The property is located at 10 Cliff Road, Map 18, Parcel 47 and is located in the Residential Zoning District.
2. The Applicant has applied for Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4.2 (Residential Lot Intensity) and Section 10.1 (Site Plan Approval – Residential) to demolish an existing single family dwelling and construct a new single family dwelling on the existing foundation on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf.
3. The proposed site coverage is 6,834 sf (16%) resulting in a 6% expansion.
4. The proposed project does not negatively impact existing native vegetation and soil or grade changes: *Minor contour adjustments are proposed. Conservation Commission Order of Conditions require site preparation, land disturbance, construction and redevelopment activities to be implemented in accordance with the pollution prevention and erosion and sedimentation control plan on file with the conservation department. The order of conditions also contains requirements for implementation and maintenance of storm water best management practices.*
5. The proposed project does relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood: *The building layout is a compact rectangular design with traditional building forms, gabled roof, dormers. The scale and proportion of the proposed structure is similar to the existing structure and will utilize the existing foundation. Building materials utilize a mix of traditional and contemporary materials including painted fascia boards, wood siding stone veneer, metal roofing and solar panels.*
6. The prevailing characteristics of the neighborhood are preserved by the plan as presented: *At 6,834 sf. the proposed dwelling will be larger than the dwellings in the immediate area. However, at 41,742 sf. the subject lot area is also substantially larger than the surrounding properties, which offsets the impact of the large dwelling size with a 16% total site coverage. The proposed dwelling utilizes multiple elements recommended in the Planning Board's Residential Site Plan Approval Guidance document including: Use of evergreen buffers, Use of dormers, Use of earth tone colors, Use of dark, heavily textured pitched roof materials, Use of pervious materials instead of pavement for driveways.*
7. The proposed project does avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands: *The site includes several resource areas including coastal bank, land subject to coastal storm flowage, salt marsh and proximity to Town Cove. The site work will not directly impact the flood zone or coastal bank areas. Impacts to*

- adjacent resource areas are mitigated through conditions imposed under the conservation commission approval. No negative impacts to scenic views were identified.*
8. The proposed project does have existing unique or significant environmental resources: *The project was reviewed and approved by the Eastham Conservation Commission with orders of condition requiring mitigation of adverse impacts to adjacent resource areas. Conditions require site preparation, land disturbance, construction and redevelopment activities to be implemented in accordance with the pollution prevention and erosion and sedimentation control plan on file with the conservation department. The order of conditions also contains requirements for implementation and maintenance of storm water best management practices.*
 9. The proposed site plan does maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways: *The existing garage will be removed. No negative impacts were identified.*
 10. No Abutters/Parties in Interest appeared either in favor or in opposition and no letters either in favor or in opposition to the project were received.

A **MOTION** by Peter Weston to approve the findings of fact as stated, **seconded** by Craig Nightingale

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Manas

Opposed: None

The VOTE: 6-0

Motion passed - Unanimous

A **MOTION** by Peter Weston to **GRANT** Site Plan Approval - Residential for Case No. PB2021-11 with the following **conditions**:

1. No Building Permit shall be issued until the application complies with all pertinent sections of the Town of Eastham Zoning By-Law.
2. The Applicant shall obtain a Demolition Permit and Building Permit from the Eastham Building Department prior to the start of the construction.
3. All exterior lights shall be down shielded to reduce light spill and nuisances to adjacent properties.
4. The Applicant shall verify bedroom count and septic design for adequacy with the approved plan with Eastham Health Department and if necessary, shall obtain Board of Health approval prior to issuance of a building permit.
5. The applicant is responsible for providing building plans to the Eastham Building and Fire Departments. Plans shall contain information on construction methods and materials sufficient to conduct a full code compliance review.
6. Plan reviews conducted by town staff as part of this site plan approval have been conducted for conformance with applicable sections of the zoning bylaw and for adequacy of the site for public safety access and environmental impacts. Additional plan review for health and safety code compliance will be required and may result in changes to the approved plans.

Any changes to the proposed building plans dated 4/29/21, revised 6/23/21 or the building plans dated 6/11/21 except those that are de minimus must be reviewed by the Planning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.

7. Any changes to final grade must be reviewed by the Planning Board.
8. The notation of "proposed gravel driveway" and its associated limits is not part of this approval.
9. The existing driveway shall remain in its current configuration.
10. A landscape plan shall be provided in the area of the removed garage.

Seconded by Craig Nightingale

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Manas

Opposed: None

The VOTE: 6-0

Motion passed - Unanimous

Preliminary review – 4620 State Highway, Map 8, Parcel 201C.

Paul Lagg, Town Planner explained that the developer called and would like to postpone the review.

Review and approve minutes: May 19, 2021. Vote may be taken.

A **MOTION** by Wasby to approve the minutes, **seconded** by Peter Weston

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Nightingale, Manas

Opposed: None

The VOTE: 7-0


Motion passed - Unanimous

Any other business that may come before the Board. Votes may be taken.

Paul Lagg, Town Planner explained that Debbie Cohen has left the Town and is currently in the process of finding a replacement.

Meeting adjourned at 8:30 pm.

Respectfully submitted as prepared by Kayla Urquhart



Dan Coppelman, Chair